

# EXHIBIT 94

(EXHIBIT FILED UNDER SEAL)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: DA VINCI SURGICAL ROBOT ) Lead Case No.:  
ANTITRUST LITIGATION ) 3:21-cv-03825-VC

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

SURGICAL INSTRUMENT SERVICE ) Case No.  
COMPANY, INC., ) 3:21-CV-03496-VC

Plaintiff,

vs.

INTUITIVE SURGICAL, INC.,

Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
UNDER THE PROTECTIVE ORDER  
VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED  
DEPOSITION OF TED CLAIBORNE

Monday, November 21, 2022  
Remotely Testifying from Blue Point, New York

Stenographically Reported By:

Hanna Kim, CLR, CSR No. 13083

Job No. 5587024

Page 28

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] 01:43:54

6 [REDACTED] [REDACTED]

7 [REDACTED]

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13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] 01:49:09

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED] 01:49:47

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10 [REDACTED] 01:54:20

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] 01:54:53

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED] 01:55:26

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] 01:55:34

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] 01:55:53

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 01:56:17

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] ) 01:56:30

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] 01:56:58

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED] 01:57:26



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25	[REDACTED]	02:02:30

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6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] 02:03:18

11 [REDACTED] .

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED] 02:03:40

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] 02:04:25

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] 02:04:35

Page 37

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] 02:05:16

6 [REDACTED]

7 MR. GLUBIAK: I think I'd like to take a  
8 quick break. If we could have about five minutes  
9 off the record. Is that okay, Kate and --

10 MS. CAHOY: Yes. 02:05:58

11 THE VIDEOGRAPHER: The time is 2:05.  
12 Going off the video record.

13 (Short recess taken.)

14 THE VIDEOGRAPHER: The time is now 2:20.  
15 Back on the video record. 02:20:47

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] 02:20:58

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] 02:21:18

Page 38

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED] 02:21:41

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] 02:22:16

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] 02:22:36

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] 02:23:00

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] 02:23:22

1 [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED] 02:23:38

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] . 02:24:07

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] 02:24:32

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED] 02:24:58

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] 02:25:26

Page 40

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] 02:26:14

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] 02:26:53

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] 02:26:57

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] 02:27:16

21 [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] 02:27:46

Page 41

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

02:28:07

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

02:28:25

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

Q. Mr. Claiborne, I don't believe I have any

15

other questions for you today. So I want to thank

02:28:50

16

you for your time.

17

I don't know if my colleague, Mr. Van

18

Hoven has a few questions but, you know, pending

19

whether or not you get questioned by your own

20

attorney, those are all the questions I have for

02:29:03

21

now.

22

Thank you.

23

EXAMINATION

24

BY VAN HOVEN:

25

Q. Yeah. Hello, Mr. Claiborne. I -- I do

02:29:07



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1 have a couple questions for you.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

02:29:32

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

02:29:50

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

02:30:12

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

02:30:37

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

02:31:07

CERTIFICATE OF REPORTER

I, Hanna Kim, a Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth remotely via videoconference and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [x] was [ ] was not requested.

In witness whereof, I have hereunto subscribed my name. Dated: 29th day of November, 2022



Hanna Kim

CLR, CSR No. 13083